



Trade Marks Act 1994

CHAPTER 26

TRADE MARKS ACT 1994

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Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

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General

- 1 The provisions of this Act apply to collective marks subject...

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

Signs of which a collective mark may consist

- 2 In relation to a collective mark the reference in section...

Indication of geographical origin

- 3 (1) Notwithstanding section 3(1)(c), a collective mark may be registered...

Mark not to be misleading as to character or significance

- 4 (1) A collective mark shall not be registered if the...

Regulations governing use of collective mark

- 5 (1) An applicant for registration of a collective mark must...

Approval of regulations by registrar

- 6 (1) A collective mark shall not be registered unless the...
7 (1) The registrar shall consider whether the requirements mentioned in...
8 The regulations shall be published and notice of opposition may...

Regulations to be open to inspection

- 9 The regulations governing the use of a registered collective mark...

Amendment of regulations

- 10 (1) An amendment of the regulations governing the use of...

Infringement: rights of authorised users

- 11 The following provisions apply in relation to an authorised user...
12 (1) The following provisions (which correspond to the provisions of...

Grounds for revocation of registration

- 13 Apart from the grounds of revocation provided for in section...

Grounds for invalidity of registration

- 14 Apart from the grounds of invalidity provided for in section...

SCHEDULE 2 — Certification marks

General

- 1 The provisions of this Act apply to certification marks subject...

Signs of which a certification mark may consist

- 2 In relation to a certification mark the reference in section...

Indication of geographical origin

- 3 (1) Notwithstanding section 3(1)(c), a certification mark may be registered...

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

Nature of proprietor's business

4 A certification mark shall not be registered if the proprietor...

Mark not to be misleading as to character or significance

5 (1) A certification mark shall not be registered if the...

Regulations governing use of certification mark

6 (1) An applicant for registration of a certification mark must...

Approval of regulations, &c.

7 (1) A certification mark shall not be registered unless—

8 (1) The registrar shall consider whether the requirements mentioned in...

9 The regulations shall be published and notice of opposition may...

Regulations to be open to inspection

10 The regulations governing the use of a registered certification mark...

Amendment of regulations

11 (1) An amendment of the regulations governing the use of...

Consent to assignment of registered certification mark

12 The assignment or other transmission of a registered certification mark...

Infringement: rights of authorised users

13 The following provisions apply in relation to an authorised user...

14 In infringement proceedings brought by the proprietor of a registered...

Grounds for revocation of registration

15 Apart from the grounds of revocation provided for in section...

Grounds for invalidity of registration

16 Apart from the grounds of invalidity provided for in section...

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1 A trade mark registered as an existing EUTM to be treated as registered under this Act

2 Opt out

3 Entries to be made in the register in relation to a comparable trade mark (EU)

4 Comparable trade mark (EU) which derives from an EU Collective Mark or EU Certification Mark

5 Renewal of a comparable trade mark (EU) which expires within six months after IP completion day

6 Restoration of a comparable trade mark (EU)

7 Raising of relative grounds in opposition proceedings in case of non-use

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

- 8 Non-use as defence in infringement proceedings and revocation of registration of a comparable trade mark (EU)
 - 9 Grounds for invalidity of registration of a trade mark based upon an earlier comparable trade mark (EU)
 - 10 Reputation of a comparable trade mark (EU)
 - 11 Rights conferred by registered trade mark
 - 12 Effect of claim of priority
 - 13 Effect of seniority claim
 - 14 Determination of invalidity and liability to revocation in relation to claims of seniority
 - 15 Procedure for declaration that trade mark would have been liable to be revoked or declared invalid
 - 16 Assignment of an existing EUTM not registered on IP completion day
 - 17 Effect of a licence of an existing EUTM
 - 18 Effect of a security interest in an existing EUTM
 - 19 Continuity of rights in relation to a comparable trade mark (EU)
 - 20 Existing EUTM: pending proceedings
 - 21 Existing EUTM: effect of injunction
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 - 22 Registration of certain expired European Union trade marks
 - 23 Renewal of an expired EUTM
 - PART 3 — APPLICATIONS FOR EUROPEAN UNION TRADE MARKS WHICH ARE PENDING ON IP COMPLETION DAY
 - 24 Application of Part
 - 25 Application for registration under this Act based upon an existing EUTM application
 - 26 Right to claim seniority where seniority has been claimed by an existing EUTM application
 - 27 Determination of invalidity and liability to revocation in relation to claim of seniority under paragraph 26
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- PART 1 — EXISTING INTERNATIONAL TRADE MARKS PROTECTED IN THE EUROPEAN UNION
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 - 2 Opt out
 - 3 Entries to be made in the register in relation to a comparable trade mark (IR)
 - 4 Comparable trade mark (IR) which derives from a mark treated as an EU Collective Mark or EU Certification Mark
 - 5 Renewal of a comparable trade mark (IR) which expires within six months after IP completion day

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

- 6 Restoration of a comparable trade mark (IR)
 - 7 Raising of relative grounds in opposition proceedings in case of non-use
 - 8 Non-use as defence in infringement proceedings and revocation of registration of a comparable trade mark (IR)
 - 9 Grounds for invalidity of registration of a trade mark based upon an earlier comparable trade mark (IR)
 - 10 Reputation of a comparable trade mark (IR)
 - 11 Rights conferred by registered trade mark
 - 12 Effect of disclaimer
 - 13 Effect of claim of priority
 - 14 Effect of seniority claim
 - 15 Determination of invalidity and liability to revocation in relation to claims of seniority
 - 16 Procedure for declaration that trade mark would have been liable to be revoked or declared invalid
 - 17 Assignment of an existing IR(EU) not registered on IP completion day
 - 18 Effect of a licence of an existing IR(EU)
 - 19 Effect of a security interest in an existing IR(EU)
 - 20 Continuity of rights in relation to a comparable trade mark (IR)
 - 21 Existing IR(EU): pending proceedings
 - 22 Existing IR(EU): effect of injunction
 - PART 2 — TREATMENT OF INTERNATIONAL TRADE MARKS PROTECTED IN THE EUROPEAN UNION WHICH EXPIRE DURING THE PERIOD OF SIX MONTHS ENDING ON IP COMPLETION DAY
 - 23 Registration of certain expired international trade marks
 - 24 Renewal of an expired IR(EU)
 - 25 Renewal of an expired IR(EU): territorial extension under Article 3ter(1)
 - 26 Renewal of an expired IR(EU): territorial extension under Article 3ter(2)
 - PART 3 — APPLICATIONS FOR THE EXTENSION OF PROTECTION OF INTERNATIONAL REGISTRATIONS TO THE EUROPEAN UNION WHICH ARE PENDING ON IP COMPLETION DAY
 - 27 Interpretation
 - 28 Application for registration under this Act based upon an existing ITM application or an existing request for EU extension recorded in the International Register prior to IP completion day
 - 29 Application for registration under this Act based upon an existing ITM application or an existing request for EU extension recorded in the International Register on or after IP completion day
 - 30 Right to claim seniority where seniority has been claimed by an existing ITM application or an existing request for EU extension
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Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

Introductory

- 1 (1) In this Schedule— “existing registered mark” means a trade...

Existing registered marks

- 2 (1) Existing registered marks (whether registered in Part A or...
3 (1) A condition entered on the former register in relation...

Effects of registration: infringement

- 4 (1) Sections 9 to 12 of this Act (effects of...

Infringing goods, material or articles

- 5 Section 16 of this Act (order for delivery up of...

Rights and remedies of licensee or authorised user

- 6 (1) Section 30 (general provisions as to rights of licensees...

Co-ownership of registered mark

- 7 The provisions of section 23 of this Act (co-ownership of...

Assignment, &c. of registered mark

- 8 (1) Section 24 of this Act (assignment or other transmission...

Licensing of registered mark

- 9 (1) Sections 28 and 29(2) of this Act (licensing of...

Pending applications for registration

- 10 (1) An application for registration of a mark under the...

Conversion of pending application

- 11 (1) In the case of a pending application for registration...

Trade marks registered according to old classification

- 12 The registrar may exercise the powers conferred by rules under...

Claim to priority from overseas application

- 13 Section 35 of this Act (claim to priority of Convention...
14 (1) Where before the commencement of this Act a person...

Duration and renewal of registration

- 15 (1) Section 42(1) of this Act (duration of original period...

Pending application for alteration of registered mark

- 16 An application under section 35 of the 1938 Act (alteration...

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

Revocation for non-use

- 17 (1) An application under section 26 of the 1938 Act...

Application for rectification, &c.

- 18 (1) An application under section 32 or 34 of the...

Regulations as to use of certification mark

- 19 (1) Regulations governing the use of an existing registered certification...

Sheffield marks

- 20 (1) For the purposes of this Schedule the Sheffield register...

Certificate of validity of contested registration

- 21 A certificate given before the commencement of this Act under...

Trade mark agents

- 22 (1) Rules in force immediately before the commencement of this...

SCHEDULE 4 — Consequential amendments

General adaptation of existing references

- 1 (1) References in statutory provisions passed or made before the...

Patents and Designs Act 1907 (c.29)

- 2 (1) The Patents and Designs Act 1907 is amended as...

Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939(c.107)

- 3 (1) The Patents, Designs, Copyright and Trade Marks (Emergency) Act...

Trade Descriptions Act 1968 (c.29)

- 4 In the Trade Descriptions Act 1968, in section 34 (exemption...

Solicitors Act 1974 (c.47)

- 5 (1) Section 22 of the Solicitors Act 1974 (preparation of...

House of Commons Disqualification Act 1975 (c.24)

- 6 In Part III of Schedule 1 to the House of...

Restrictive Trade Practices Act 1976 (c.34)

- 7 In Schedule 3 to the Restrictive Trade Practices Act 1976...

Copyright, Designs and Patents Act 1988 (c.48)

- 8 (1) The Copyright, Designs and Patents Act 1988 is amended...

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994. (See end of Document for details)

Tribunals and Inquiries Act 1992 (c.53)

9 In Part I of Schedule 1 to the Tribunals and...

SCHEDULE 5 — Repeals and revocations

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1994.